

Meeting of 1998-1-27 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JANUARY 27, 1998 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:  
Presiding Gil Schumpert, City Manager  
Felix Cruz, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by law.

ROLL CALL

PRESENT: Jody Maples, Ward One  
Richard Williams, Ward Two  
Jeff Sadler, Ward Three  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Carol Green, Ward Seven  
Randy Warren, Ward Eight

ABSENT: John Purcell, Ward Four

Consider approval of Minutes of January 6 and 13, 1998, Lawton City Council Meetings

MOVED by Williams, SECOND by Sadler, to approve the minutes. AYE: Green, Warren, Maples, Williams, Sadler, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

BUSINESS ITEMS:

1. Conduct a public hearing regarding the proposed use of the payment under the Local Law Enforcement Block Grant in relation to the entire budget, consider recommendations of the advisory committee and authorize submission of the follow up reports. Exhibits: List of Committee Recommendations.

Schumpert said the grant advisory board has met and made recommendations on the expenditure of \$270,219 as shown. Staff recommended approval of the item.

Warren said the Specifications Committee considered going to a state bid on patrol cars that were already equipped with video cameras, and 15 video cameras are shown to be purchased, as well as five cars. He asked if staff was looking at buying cars pre-equipped with video cameras. Ronnie Ward, Assistant Police Chief, said the video equipment industry is behind somewhat and it is not available in that manner. He said the cars came in cheaper this year than last year.

Shanklin asked why the video cameras cost \$3,000 each. Ward said there is a very small camera on the front of the vehicle and the rest of the recording equipment is in the trunk, which must have a special equipped safe box. Shanklin asked if they were cameras they carried in their hands and Ward said no.

PUBLIC HEARING OPENED. No one appeared to speak.  
PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Green, to accept the advisory boards recommendations and authorize the submittal of necessary paperwork for the reports and authorize the Mayor to sign the necessary forms.

Green said the expensive video cameras will bring us up to the 21st century.

VOTE ON MOTION: AYE: Warren, Maples, Williams, Sadler, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

2. Hold a public hearing and adopt a resolution declaring the following structures to be dilapidated and detrimental to the health and safety of the community, and prioritize razing and removal of those declared to be dilapidated and detrimental to the health and safety, and authorize the expenditure of CDBG funds or City Council Contingency Funds, if necessary, to demolish these structures: 2010 SW Douglas; 2104 SW Garfield; 517 SW H Avenue; 3416 NW Oak; #10 NW 9th Street. Exhibits: Resolutions.

2010 SW Douglas:

Dan Tucker, Code Administration Director, presented a video of 2010 SW Douglas showing it to be a vacant, frame structure. The owner was first contacted March 20, 1996, and it is secured and has been maintained, cleaned and secured since that time. A letter was sent to the owner requesting entry for purposes of inspection to determine if the structure is habitable; response has not been received. The owner does not live in Lawton; property is cleaned and secured as shown on the video.

PUBLIC HEARING OPENED.

Virgil Tate, property owner, said he has a minimum wage job and bought the house about 12 years ago when he was a school superintendent. He said he bought it because it was next door to his mother. Tate said he had suffered a heart attack and has only a minimum wage job now. He said he had called twice, would like to be able to keep the house and return to live in it in four or five years when he would receive his Social Security. Tate said he would be glad to open the house and that it is all right inside. He said he boarded it up because someone had knocked the windows out with rocks. Tate said the house is similar to others in the neighborhood and presented photographs of other houses on the block.

Williams asked Tate if he lived out of town. Tate said yes, he came to Lawton in 1990 and stayed with his mother, who lived at 2026 Douglas, and that property has since been sold. Williams asked if the other homes in the neighborhood are occupied. Tate said yes, and if it was a problem for his house to be unoccupied, he would pay a fee or whatever would be appropriate. Tate said he had left his pager number twice and would like to keep his house. He said he was born at 2115 Washington and grew up in that neighborhood.

Warren asked if the only problem was that inspectors could not get into the residence to inspect. Tucker said yes and if they would have been able to determine that it was habitable, it would not have been brought forward. Warren asked Tate if he would allow the inspectors to enter. Tate said he would drive down and open it or the neighbor down the street, Mr. Brewer, could let them in because he has a key. Williams asked Tate his current residence and Tate said on 39th Street in Oklahoma City at the Warr Acres Apartments.

Green asked Tucker for a recommendation. Tucker said if inspectors can enter and determine the structure is habitable, as long as it is maintained clean and secure, there is not a problem.

Shanklin said he turned in a list of 38 properties which staff has refused to look at and suggested this house remain if the only problem is entering for inspection. He said it seemed to be a waste of time. Tate said the house is on six 25 foot lots so it is not close to anyone or a fire hazard. Tate said the only hazard may be his next door neighbor who keeps trying to buy it for \$2,000. Shanklin asked how this property got on the list to look at. Tucker said the ordinance passed last summer called for inspectors to check those houses which have been vacant for more than a year, make contact with the owner and inspect them to determine if they are habitable. Shanklin said he could get nothing done in his area of town. Tucker said he had 153 properties at the Historical Society waiting for answers.

Sadler asked if someone was doing yard work for this property. Tate said yes, and some had charged him and not done it, but Mr. Brewer, who lives in the next block has been good about doing that work for the past year.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Warren, to table this until Mr. Tucker brings back a type of resolution to the property, and works with Mr. Tate, whether it be we drop it from the demolition list or whatever if Tucker is satisfied with the interior.

Shanklin said the outside is fine and he did not understand why we need to see inside. He said the outside is supposed to show the dilapidated condition to make you start to inspect it to begin with, and the outside looks fine and the property should be left alone.

VOTE ON MOTION: AYE: Williams, Warren. NAY: Maples, Sadler, Shanklin, Beller, Green. MOTION FAILED.

Beller said he was trying to find a resolution to the situation, and if the resolution is to remove it from the

demolition list until further notice, then he would make that motion. Cruz said an alternate motion would be to strike it from the agenda for now.

MOVED by Maples, SECOND by Beller, to strike it from the agenda for now.

Schumpert asked if the desire was to strike it from the demolition list, as opposed to striking it from the agenda. Williams said Tate is present and Tucker needs to gain entry, and something should be done with houses that are dilapidated. Shanklin said this structure does not seem to be dilapidated. Williams said it may not be, but the provision was passed that if a property has not had utilities for a certain period of time, then it should be made right, and if that needs to be changed, work should be done on it. Williams said the homeowners have reasons, yet the properties cannot be taken from the list if they need something. Shanklin said the outside appearance clues a person in as to whether a structure is dilapidated and the outside appearance of this structure does not give that clue. Shanklin said he had turned in properties that made this one look like a castle and they are not up to consider. Cruz said properties do not get on a demolition list until Council adopts a resolution ordering demolition, so it would not be proper to strike it from a demolition list because this is not on the list.

VOTE ON MOTION: AYE: Williams, Sadler, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

2104 SW Garfield:

Tucker presented a video showing a vacant mobile home with dilapidated siding, no electric meter. On January 20 Mr. Baker called to find out what it would cost to have the City tear it down and that cost is not known until it goes out for bid. It is a mobile home that has not been permitted or occupied since 1993. It is tied down; it is dilapidated, the siding is coming off and the insulation is blowing through. Someone may begin to strip it, as has been done with other mobile homes in the past. Staff has spoken with the owner trying to find a solution and has not been successful.

PUBLIC HEARING OPENED.

Mr. Linnie Baker, owner, said he talked to Mr. Tucker about this and talked with a man earlier who said he would move the mobile home but he has not. Baker said he had found someone at this time and that he had an agreement to have it removed.

Green asked if it would be torn down and Baker said yes. Green asked how much time would be needed to do that. Baker said the man started today and should be finished in two weeks.

PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Williams, that the building be removed, considered dilapidated and a fire hazard and the structure be removed in 30 days, torn down, by the owner.

Cruz asked if the motion included adopting the resolution to put it on the condemnation list and give 30 days and Green said yes.

VOTE ON MOTION: AYE: Sadler, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-10

A RESOLUTION DETERMINING A CERTAIN MOBILE HOME STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. (Block 51, Lots 3-4, Lawton View Addition)

517 SW H Avenue:

Tucker presented a video of the property showing a vacant, dilapidated, wood frame structure that sits on the northeast corner of H and 6th Street. The building has no windows, a bad foundation, no electric service, it is not habitable, it is standing open and there is evidence of people going through it. Three-fourths of the interior has been gutted. The owner contacted staff at one time about remodeling but has not been back in touch.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Green, to adopt Resolution No. 98-11 declaring the structure at 517 SW H dilapidated, open and hazardous to the health of the community and tear it down. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-11

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. (Block 17, Lots 17-18, Woods Addition)

3416 NW Oak:

Tucker presented a video of the property and stated the structure was damaged in a fire on November 16, 1996. It has been cleaned up and mowed by the neighbors; it is in the center of the block and structures in the area are well maintained. The house has been tied up in liens with different mortgage companies, and staff has communicated with the owners wife attempting to find a way to have the house repaired.

PUBLIC HEARING OPENED.

Barbara Moeller, Coldwell Banker Crossroads Realty, said she represented both the owner and buyer. She said the owners are the Kerznars, Mr. Kerzner is in Korea in the military; his current wife is in Dallas and has power of attorney to sell the property; and Mr. Gilley, the buyer, is present. She said she had an accepted offer from Mr. and Mrs. Gilley to the Kerznars, signed by Mrs. Kerzner with power of attorney, it is sold through a contract to purchase this home. Moeller said Mr. Gilley would like to refurbish the home for his daughter to move into, and his son has the capability and talent to do this.

Troy Gilley said this is a well built house and it would be well worth the effort to get it in shape. He said his son mowed the yard last summer and it is a large yard which collects trash that blows in from Cache Road. Gilley said his son in law is a lab technician in College Station, Texas, and he and Gilleys daughter come and go a lot and would like to have a house for when they decide to move in.

Sadler asked Gilley if he lived next door. Gilley said yes, his address is 3422 NW Oak, but there are three lots to each house in this area. Sadler said he had received calls that grass was very tall on the property and was pleased to see that someone would repair it because it was a good enough house to fix up. Sadler said there would be a big lot with nothing on it if the house were torn down and it would not be likely that anyone would build a new home there.

Williams asked how long it would take for Mr. Gilley to gain ownership and Moeller said two weeks. Williams asked Gilley if he came before the Council recently with a property on 4th or 5th Street that he was also working on. Gilley said yes. Williams asked how long it will take to do something with the property on Oak Street. Gilley said he would not be doing the work but the work could be started immediately. Williams asked if it could be done quicker than the other house is being done. Gilley said it would not be the same crews. Williams said he had not seen any crews at the other house. Gilley said they should be there daily. Williams said he did not want to see it torn down but did not want it to remain for six or eight months trying to get something done.

Moeller said Mrs. Kerzner gave her permission to have the abstract drawn up early to see what title problems there may be; two liens have been satisfied and one is left to check out, then sending the deeds to Korea and having them returned. She said if this is not closed, she had four other people waiting to buy the property.

PUBLIC HEARING CLOSED.

Williams asked if this could be stricken like the first one. Sadler said he felt that would be the best way to handle it. Schumpert said the resolution does not automatically demolish the house. Tucker said the resolution gives them a time to get the permit, and the permit is valid for 180 days to complete the construction. Mayor Marley said since there are others also interested in the property, it would seem logical to strike it.

MOVED by Sadler, SECOND by Green, to strike it from the agenda. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

#10 SW 9th Street:

Tucker presented a video of the structure stating it is a two-story, wooden structure that is vacant and secured. Permit was issued to remodel in March 1993 when it was considered for demolition. No subsequent permits were issued and the work was never completed. The owner was notified on August 6, 1997, and yesterday the owner came in to apply for a building permit to remodel the structure. Tucker said that permit application is being reviewed and being held until Council action tonight. Williams asked if it was the same owner as in 1993 and Tucker said yes.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

Shanklin asked if Tucker spoke with the owner. Tucker said Mr. Bussey, the owner, came in yesterday afternoon to request a remodeling permit. Shanklin said the permit will be good for 180 days and suggested this be stricken

also. Williams said the same owner got a permit five or six years ago to do the same thing, and by putting the resolution in force, it does not mean the City will tear it down, but it does put more pressure on the owner to follow through with what they have said. Shanklin said staff could return it to the agenda if needed.

MOVED by Shanklin, SECOND by Beller, to pass Resolution No. 98-12 and staff will give Mr. Bussey a building permit to remodel and bring it to code at #10 NW 9th St.

Williams said he wanted the resolution to demolish it to force Mr. Bussey to do something with it. Mayor Marley said that is what the resolution does. Shanklin said he agreed to pass the resolution to demolish and that Mr. Bussey has the opportunity to come in.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Sadler, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-12

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

Shanklin said last June Council gave staff the authority to go full time with someone on demolitions and that has been seven months and Council has considered maybe twelve structures. He said the A, B, and C process was not part of the ordinance to his memory and they were thrown out. Shanklin said he was not sure a full time person was needed if this was going to be the result, and that was too much money and not getting anything done. He asked that it be looked at.

3. Consider accepting the beneficial interest of the trust estate of the Museum of the Great Plains Authority, terminating the lease between the City and the Institute of the Great Plains for the lease of the museum and property, approving a cooperative agreement between the City and the Museum of the Great Plains Trust Authority and authorizing execution of each document. Exhibits: Trust Indenture; Lease Termination Agreement; City-Authority Cooperative Agreement; Institute-Authority Cooperative Agreement (for information only)

Mayor Marley said the trust members were sworn in last week and agreement has been reached with the entities involved. Beller said the key issue contains the question of whether the City is satisfied that the Institute of the Great Plains will execute an agreement with the authority. He asked if this would take place. Cruz said subsequent to the preparation and publication of this agenda item, he visited with people and had some assurance the agreement would be approved between the Institute and the Authority. Mayor Marley said Mr. Fisher is the Institute Chairman and he agreed everything was in place. Beller asked if that referred to the agreement in the folder and Marley said yes.

Shanklin said two members of the Institute board were sworn in as trustees, as well as Mr. Fisher, who had signed it also. Mayor Marley said the City has three members, McMahon Foundation nominates and the City appoints three members, and the Institute appoints three members to the Authority. Beller said the City is giving everything to the Authority for 50 years and an agreement must be reached between the Institute and the Authority for this to succeed. Shanklin said countless hours had been devoted to this project.

MOVED by Williams, SECOND by Sadler, to accept the beneficial interest of the Authority's trust estate, terminate the agreement between the City and the Institute of the Great Plains, Inc., approve a cooperative agreement between the City and the Museum of the Great Plains Authority, and authorize execution of each document, and direct the City Clerk to file the trust indenture in the Office of the Comanche County Clerk.

Sadler said the Council appoints three members and confirms the three members nominated by the McMahon Foundation so there will be control in that manner as well as the provision of funding.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Shanklin, Beller. NAY: None. MOTION CARRIED.

4. Consider revising Council Policy 10-2, Water Pumping from Lake Ellsworth to Lake Lawtonka. Exhibits: Council Policy 10-2; Lake Elevation Data from 1994 through 1997.

Schumpert said he should be corrected from a previous meeting where he erroneously believed the pumping policy was approved by the Oklahoma Water Resources Board, and that is not correct. He said the OWRB dictates another matter, and the pumping policy is an internal item. Schumpert said staff recommendation is to set the pumping elevation at a consistent level year around and not have two different pool elevations. This will make the policy much less confusing and, based on historical data, will decrease the pumping requirements which should result in a cost savings. Recommended level was 4.55 feet and charts in the agenda folder show the levels under the current and proposed policies.

Beller asked if it would be more logical to give the discretionary power to the City Manager and City Engineer rather than put a figure in the document. Williams asked if leeway was granted.

Jerry Ihler, Public Works/Engineering Director, said discretion is provided for the Public Works/Engineering Director, in conference with the City Manager, on three occasions to use their judgment based on past history and experience. He said one occasion is when pumps are activated but the exact level is not met and the water shed is very wet and the next rain would likely raise the water surface elevation, we would not pump. He said the second occasion is when Lake Ellsworth is so low that it would cause damage to the pumps. Ihler said the third occasion is important and impacts on the City's vested water rights which must be maintained and cared for. Water rights permits last for a seven year period, during which time we need to be able to use 9,600 acre feet from Lake Ellsworth which must be pumped to Lake Lawtonka to maintain water rights. During 1996, all of the water rights were used and met the current water rights which end in December 1998, and then another seven year period will begin January 1, 1999 and run through 2005. Ihler said flexibility is allowed if there is a time frame where we are close to reaching the water rights mark, if we are pumping a lot, that we continue to pump to maintain the maximum amount of water rights during the seven year period rather than wait until the last year.

Mayor Marley said the average person is worried about paying the pumping charge, and the level of 4.55 feet is shown for a constant level. He said the previous level was five feet from September to June and asked why there would be more pumping or why the level did not become five feet. Ihler said the five feet level is where calls are received with regard to recreation and the lake being low, so if there is a dry period, it will be about six inches higher than the level where problems come in. Currently 25 million gallons per day are pumped from Lake Ellsworth to Lake Lawtonka, and that approximately equals the amount of evaporation so we would be basically maintaining the level or lose some during the peak summer months.

Ihler said with regard to the potential cost savings, the last four years were reviewed as far as the proposed and existing policies; in 1994, there would have been periods where we would have pumped certain days in the non-summer peak season, but during the peak summer season, we would have saved 77 days of pumping and about \$60,000 in pumping costs in 1994. Ihler said 1995 was a wet year and the pumps were not needed; in 1996, approximately \$75,000 could have been saved in pumping costs; and in 1997, approximately \$50,000. He said 1996 is the year the water rights were met; we pumped in April and through August, and having had a dry spring and pumped for that many days, that would have been the time we would have asked to use the discretion to meet the seven year water rights and it would have been the most economical measure because quite a bit of pumping had been done during the spring.

Shanklin said the OWRB does not hold that Lakes Ellsworth or Lawtonka are flood control facilities and asked if that was correct and stated OWRB is interested in exercising the seven year rights. He said Lawton asked them to forego that one year because there was not a need to pump and it was agreed to. Shanklin asked who was interested in acquiring Lawton's water rights and suggested that OWRB was interested in people complying within seven years but that they would extend it if needed. Cruz said OWRB has not designated Lake Ellsworth as a flood control dam, however, during the lawsuit concerning the Walters flooding, that is one of the issues being presented by the plaintiffs that it is in fact a flood control dam. Cruz said we did our best and our experts refuted that it is not; as to the question as to who wants our water rights, the people down stream wants to reduce our water rights and as part of the lawsuit there is presently pending a petition before the OWRB to review and reduce Lawton's water rights and that issue has not yet been scheduled for hearing before the Board.

Shanklin said silting problems were discussed about a year ago and we should realize the value of Lake Ellsworth. Ihler said he had seen preliminary data from the siltation study and data indicated there was not as much siltation as previously thought, although there is some at the mouth of the creek and from banks caving in, but the lake level was low several years ago and boats could not get to the creeks.

MOVED by Beller, SECOND by Warren, to approve the revision to Council Policy 10-2, water pumping from Lake Ellsworth to Lake Lawtonka. AYE: Warren, Maples, Williams, Sadler, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

5. Consider rescinding funding of the expenditure of \$26,900 for a one ton dump truck in the 1997-98 City of Lawton budget for the Lakes Division. Exhibits: None.

Shanklin said he requested this item for a multitude of reasons and that a letter was received from the superintendent at the lakes giving the reasons why a one ton, toy dump truck was needed to haul asphalt. He said he drove the lake system last weekend and did not know where we would put asphalt that would require a dump truck and that he has asked staff to see when we bought the last asphalt for the lakes and did not receive an answer. Shanklin said the other truck has 157,000 miles but that is not what they pull the back hoe with; they use the big dump truck hooked up to the low boy trailer. He said two weed whackers were bought, which he suggested instead of lawn mowers which were planned, although the weed whackers cost more and wondered how much more and where the funds came from. Shanklin said it is fine that they were purchased and that they can be used.

Shanklin said at the time he was worried about where the back hoe was, Mr. Schumpert brought a memo or statement showing where the back hoe was the last week or ten days, almost to the hour, and he said if they could take him out there now and show him the same log six weeks ago, he would not say anything else but Mr. Schumpert only laughed because they do not have it and they do not log anything. He said there is nothing to show what they do or when they do it.

Shanklin said until we get a handle on what is going on out there, we do not need to spend any money.

MOVED by Shanklin, SECOND by Green, to put this on hold until we get a report or whatever the Manager is going to do as to change up or if there is going to be a change up at the lakes and the motion is to deny this at this time.

Mayor Marley said there is a motion and second to remove this expenditure from the budget for the 1997-98 budget cycle. Beller asked if anything had been done in the way of purchasing or advertising for bids. Schumpert said no and even if it had been advertised as part of the vehicle purchase, if it were rescinded, it would not be purchased at this time.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

6. Discuss pick up of yard waste, mulching and composting and take appropriate action. Exhibits: Excerpt of 12/16/97 Council Minutes.

Schumpert said information was distributed showing various related items from other cities.

Shanklin said he and Williams went to Norman a week ago Thursday, and the staff knows Lawtons staff by first name. He said Norman has a composting program and they have 192 acres of city they pick up twice a week; they have 18 crews for the urban area and two crews for the suburban areas; they pick up grass clippings on Wednesday, Thursday and Friday, and the solid waste on Monday and Tuesday; with a budget of \$5.5 million and Lawtons is \$2.4 million. Shanklin said Council should look at whether crews in Lawton should pick up grass clippings until composting can begin, and perhaps then charging additional for over four bags and the bags must come from the City. He said there is an inequity between those who put out 50 bags and those who put out two. Shanklin said funds are tight and landfill space is expensive.

Shanklin asked if the cost of the bags had been determined. Jarold Woods, Solid Waste Superintendent, said if you order bags in a large quantity, the cost is three and a half cents to a nickel a bag, depending on the ply or mil ordered. Shanklin asked if there is a way to handle it now if this were done. Woods said the grass could be mixed with the dirt but the labor process comes in to empty the bags. Shanklin said they empty the bags in Norman when it is collected on the vehicle. Woods said it would have to be done at the truck or at the landfill. Shanklin said it would probably be easier when you pick it up and hang the used bag on the side of the truck.

Shanklin said the savings would be in the life of the landfill and Normans crews work five days a week but Lawtons work four but they do earn their money and do a tremendous job. Williams said he thought the community should plan for it and conserve the environment, and that he did not know how to charge for an extra pick up for grass clippings.

Woods said Ponca City has a "dont bag it" program and they do not pick up the grass, other than by persons calling in on Wednesdays when crews will pick up grass only and take it to the landfill. He said the attempt was to get citizens to purchase mulching mowers or do composting, and the majority of their citizens haul grass to the landfill themselves, but they do not compost at the landfill. Shanklin said Lawtons budget is much lower on solid waste than others so we must be doing a good job.

Beller said a determination may be needed in budget because costs are involved. Shanklin said if it is to be implemented this year, something would need to be done in the next 45 days.

Mayor Marley said there was an initiative to work with Fort Sill in this area and it had been discussed before. He said there is a potential for Lawton and Fort Sill to work together in certain areas, and trade off services, and this may be one. Williams suggested Lawton take care of the solid waste work for Fort Sill, and that Lawton needed to go ahead and take a step forward for its own interest. Shanklin said grass clippings could be stored somewhere while a composting operation is being worked out.

Sadler said it would be foolish not to stop putting grass clippings in the landfill, and the consensus is to continue twice a week collections. He said the grass clippings would have to be picked up on a third route and the question is the cost. Sadler said the crew should not be required to count how many bags are put out at any given house, and the cost should be the same or charge by the bag through the City selling bags or stickers to put on the bags. He said the item has been tabled several times since 1994. Williams asked about not collecting yard waste and Sadler said he did not think that was a good idea.

Shanklin said Norman picks up the grass clippings several days after the weekend, which is the time most people cut their lawns. Maples asked if the proposal was to not pick up yard waste at all and said that would cause dumping in other places. Williams said he felt people were more conscientious than dumping yard waste in a bar ditch and people could get free compost at the landfill once it is operating. Shanklin said picking up yard waste on Wednesday would be something to consider. Green said the figure shows \$5 for yard waste pick up on Wednesday when people call in, plus an additional charge for more than ten bags. Williams said Norman crews have a good idea of where people live who participate in the yard waste pick up, and it would force people to compost themselves and reduce landfill space usage, causing a future cost savings. Shanklin said use of mulching mowers should be encouraged.

Warren said this has been discussed a lot without getting anything accomplished. He said an option is to discontinue picking up yard waste and looking at a composting program, but it should not be picked up with waste any longer. Shanklin suggested staff return a plan in two weeks. Williams said staff has provided seven or eight choices in the past. Ihler recommended crews not deal with counting bags or the possibility of people sitting bags at other peoples curbs and getting charged, etc. Ihler suggested a plan similar to house side pick up, where if a person wants house side pick up, they establish their account in that manner and pay an additional cost; the yard waste could be handled in a similar manner where a person could set up the yard waste pick up through their regular account and it would be collected on whatever day may be designated, and take it to the landfill and compost it. Ihler said crews would slit the and empty the bags when they pick them up, just as Norman does, and dump the grass in the compost area at the landfill. Capital cost is \$700,000 to implement composting procedures, with \$300,000 per year to fund the additional three personnel and take care of amortization of equipment over a five year period because the equipment does a lot of work.

Shanklin said Norman does not have a man in a pick up follow the crews and that he had yet to see any of Lawtons crews refuse to take solid waste. He said it is too expensive to have someone follow the trucks.

Warren asked if a resolution would be required to discontinue pick up of yard waste. Cruz said an ordinance would be required and would have to be returned at a future meeting.

MOVED by Warren, SECOND by Williams, to direct staff to bring back an ordinance discontinuing the pick up of yard waste unless the resident has made arrangements for specific yard waste pick up at a charge to be determined when the ordinance is written.

Cruz said a resolution would be returned setting the fee.

Beller asked how yard waste was defined. Schumpert said the definition is included in the code or council policy. Mayor Marley said he was concerned the motion would cancel an existing service and not provide an alternative without them paying more money. Williams said something should be done and until Council does it, nothing will change. Williams said the citizens are getting a tremendous value for the dollars they pay for solid waste disposal, and considering long term cost of developing another landfill cell, this would be less costly and compost would be available.

Shanklin said this could be discussed again at the next meeting, and at the meeting after that, implement a program similar to the one in Ponca City or Norman to get something started this year. Warren said staff had been sent back to work on plans too many times, and a plan cannot be returned that will not involve a cost. Schumpert said the cost of \$300,000 per year must be weighed against the space used in the landfill and a cell can be \$300,000 to \$500,000, and the City has not started using the cell just constructed. Schumpert said another solution is to pick up yard waste only on a fee basis. Mayor Marley said you cannot address how you pick it up until you address what you plan to do with it, and if it will not be composted, why not keep picking it up and putting it in the landfill. Shanklin said the Council had been discussing the inequity for a long time of some having two bags and others having 50.

Warren asked if the motion were to carry and the separate yard waste pick up start, could the crews dump the grass clippings in with dirt for the nightly fill. Ihler said it would have to be mixed with cover material and it could be used, but if there will be large volumes of grass, a plan will have to be presented to DEQ to show where it will be located and that it would be mixed with daily cover. Warren asked if equipment would be required, such as a grinder. Ihler said a grinder would not be needed. Schumpert said there would be additional capital outlay for some equipment.

Cruz asked if the ordinance could be returned no earlier than the second meeting in February and that was agreeable. Shanklin asked what the motion was. Smith said the motion was for staff to bring back the ordinance to discontinue picking up yard waste unless the resident calls and makes the arrangement, similar to the method used in house side service, and staff would recommend the appropriate fee; the motion is to bring that back for Council consideration.

VOTE ON MOTION: AYE: Williams, Sadler, Shanklin, Warren. NAY: Beller, Green, Maples. MOTION CARRIED.



7. Consider suspending Section 5E of Council Rules of Procedure, and if suspended, consider setting a public hearing for February 24, 1998, to consider adopting an ordinance amending the open space requirements for fences or walls contained in Section 18-404.1A.8b(2), Article 4, Chapter 18, Lawton City Code, 1995. Exhibits: Agenda Item commentary including proposed ordinance; Excerpt of 12/9/97 Council Minutes.

MOVED by Williams, SECOND by Warren, to suspend the rules. AYE: Sadler, Shanklin, Beller, Warren, Maples, Williams. NAY: Green. MOTION CARRIED.

Shanklin said the Planning Commission approved this previously. He said a fence was built on Fort Sill Boulevard that in his opinion blocked the view of the neighbor to the south but that it was a side street and the proposal deals with arterial streets. Shanklin said a person is willing to put up a wrought iron fence at about \$25 to \$30 per foot to enhance his property and it would also beautify the City.

MOVED by Shanklin, SECOND by Williams, to set the public hearing for February 24.

Warren asked if this dealt with right of way only and not easements and Cruz said that was correct.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

8. Consider adopting a resolution determining that the loans to Halls Fiberglass Pools and GPG, Inc. from Community Development Revolving Loan Fund are uncollectible and authorizing removal of same from reported assets of the CDBG Revolving Loan Fund. Exhibits: Resolution No. 98-13.

Williams asked if these persons could be located and Cruz said no. Warren said one person wrote a hot check for the only payment he made, and information shows the assets of the business were lost due to a fire in 1991, and he wrote a check in August 1991 that bounced; when did the fire occur? Cruz said May 3, 1992, and that is a correction to the agenda. Warren asked why we did not attempt to seize assets after receiving the hot check. Cruz said he did not have assets.

Schumpert said these are high risk loans by nature and HUD sees this as a mechanism to loan to high risk businesses, accepting the fact that there will be a large number of them that will not work out. He said they use the standard that if there is any success, then the program is worth it.

Warren said there was nine months between the time the man wrote the hot check and the time the assets were burned in the fire. He said he hoped we would stay on top on them.

MOVED by Warren, SECOND by Beller, to adopt Resolution No. 98-13 determining two loans in the Community Development Revolving Loan Fund are uncollectible and should be removed from the reported assets of the Community Development Block Grant Revolving Loan Fund.

Cruz said it is not GPC, but GPG, and that has been corrected. Green asked what type of business was this. Frank Pondrom, Housing and Community Development Director, said GPG was a cut and sew operation that had primary contracts to sew dresses for J.C. Penney. Shanklin said CDBG funds are for people who cannot get funding from other sources, it comes from the federal government and the people pay for it one way or another, and it is not expected that all will succeed. Pondrom said there are five loans currently. Mayor Marley said some have been repaid.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

Green asked if Council could get a list of those businesses which have been successful. Pondrom said he would provide a report through the City Manager.

(Title only) RESOLUTION NO. 98-13

A RESOLUTION DETERMINING THE DELINQUENT COMMUNITY DEVELOPMENT SMALL BUSINESS LOANS MADE TO HALLS FIBERGLASS POOLS AND GPG, INCORPORATED ARE UNCOLLECTIBLE AND AUTHORIZING REMOVAL OF THE LOANS FROM THE REPORTED ASSETS OF THE COMMUNITY DEVELOPMENT SMALL BUSINESS REVOLVING LOAN FUND.

9. Consider rescinding the declaration of surplus property of three (3) acres of City land near Cove Acres, Lake Ellsworth. Exhibits: Location Map.

Schumpert said the idea was to create compatible lots adjoining the Cove Acres plat where it could be purchased. He said that had been quite some time ago and it was found that there were difficulties with platting,

encroachments and areas in the water shed. Schumpert said the water shed at Lake Ellsworth has expanded since 1991.

MOVED by Shanklin, SECOND by Warren, to rescind the declaration of surplus property. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Shanklin. NAY: None. MOTION CARRIED.

10. Consider adopting an ordinance notifying the public of the publication of Supplement No. 1 to the Lawton City Code, 1995, and declaring an emergency. Exhibits: Ordinance No. 98-1.

Cruz said this is a compilation of the ordinances which have been passed previously.

MOVED by Shanklin, SECOND by Green, to adopt Ordinance No. 98-1, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 98-1

AN ORDINANCE APPROVING SUPPLEMENT NO. 1 TO THE LAWTON CITY CODE, 1995, DIRECTING FILING AND NOTIFICATION OF THE PUBLICATION OF SUPPLEMENT NUMBER 1 TO THE LAWTON CITY CODE 1995, AND ESTABLISHING A FEE FOR THE SALE OF SUPPLEMENT NO. 1, AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Shanklin, Beller. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA:

11. Consider the following damage claims recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim over \$400.00: Robert Molloy; and Julius Hill. Exhibits: Legal Opinions/Recommendations. Approve Molloy claim in the amount of \$226.80.

(Title only) RESOLUTION NO. 98-14

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST JULIUS HILL IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF ONE THOUSAND FIVE HUNDRED ELEVEN AND 67/100 DOLLARS (\$1,511.67).

ITEM 12 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

13. Consider adopting a resolution approving the third party claim of David Burch payable to the City of Lawton and take appropriate action. Exhibits: Resolution No. 98-15; Settlement Agreement and Release of Liability.

(Title only) RESOLUTION NO. 98-15

A RESOLUTION APPROVING AND AUTHORIZING SETTLEMENT OF A THIRD PARTY CLAIM BY DAVID BURCH AND PAYABLE TO THE CITY OF LAWTON.

14. Consider authorizing the Mayor and City Clerk to execute a sub-lease agreement with Schuster Engineering, Inc. to store City vehicles in an enclosed heated facility, and ratify the action of the Public Works/Engineering Director in storing said vehicles in an enclosed heated facility since December 15, 1997. Exhibits: None. Action: Ratify the action of the Public Works/Engineering Director in storing the vehicles in an enclosed heated facility since December 15, 1997, and authorize the Mayor and City Clerk to execute a sublease agreement with Schuster Engineering for a period of three months at a cost of \$1,200 to store City owned vehicles.

ITEM 15 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

16. Consider approving the record plats for Lawton Industrial Park, Parts 1 and 2. Exhibits: Plat Maps; LMAPC Minutes; Legal Opinion from City Attorney dated 11/5/97. Action: Approval of item.

ITEM 17 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

18. Consider approving a grant from the Oklahoma Department of Libraries to library staff member Dory Thomas to attend the annual conference of the Oklahoma Library Association. Exhibits: None. Action: Approve Oklahoma Department of Libraries grant of \$500 to library employee Dory Thomas to attend the annual conference of the Oklahoma Library Association.

19. Consider rescinding Council Policy No. 54, Neuter or Spay Requirements, and Neuter/Spay Account. Exhibits: Council Policy No. 54. Action: Rescind Council Policy No. 54.

20. Consider ratifying the Lawton Water Authority action approving the grazing lease extension of Homer Coody for Tract 10, Lake Ellsworth. Exhibits: None. Action: Ratify Water Authority action to approve grazing lease

extension of Homer Coody.

21. Consider ratifying the Lawton Water Authority action to extend Ed Hillary, Jr. hay baling lease for Tracts 1 and 4, Lake Lawtonka. Exhibits: None. Action: Ratify Water Authority action to approve baling lease extension of Ed Hillary, Jr.

22. Consider entering into a contract with Mr. William G. Miracle for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of item.

23. Consider entering into a contract with Mr. Shaun Gibson for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of item.

ITEMS 24 AND 25 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

26. Consider awarding a contract for water line parts. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contracts to Pioneer Supply and Oklahoma Contractors, and authorize execution.

ITEM 27 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

28. Consider extending contract for laboratory services (ICR compliance). Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Montgomery Watson Laboratories to 1/31/99 at same terms and authorize execution.

29. Consider extending contract for powdered activated carbon. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Van Waters & Rogers, Inc. to 2/28/99 at same terms and authorize execution.

ITEM 30 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

31. Mayors Appointments. Exhibits: None.

Lawton Arts & Humanities Council: Diana Brown, Term: 1/27/98 to 6/30/2000

Lakes & Land Commission: Joe Dutcher, Term: 1/27/98 to 1/27/2001

32. Consider approval of payroll for the period of January 26 through February 8, 1998. Exhibits: None.

Shanklin asked for separate consideration of Items 15 and 30. Green asked for separate consideration of Items 17 and 27. Warren asked for separate consideration of Item 12. Williams asked for separate consideration of Items 24 and 25.

MOVED by Shanklin, SECOND by Williams, for approval of the consent agenda items as recommended with the exception of Items 12, 15, 17, 24, 25, 27 and 30. AYE: Warren, Maples, Williams, Sadler, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

12. Consider authorizing the Mayor and City Clerk to execute new loan documents between the City of Lawton and SEAs Glass Hat Catering Manor. Exhibits: Partnership Agreement. Action: Authorize the Mayor and City Clerk to execute a new loan agreement between the City of Lawton and SEAs Glass Hat Catering Manor.

Warren said he had problems with this item initially and had worked most of them out. He said this was originally not on the consent agenda and this is a repair of things previously done and it should not have been on the consent agenda.

MOVED by Warren, SECOND by Maples, to authorize the Mayor and City Clerk to execute new loan documents between the City of Lawton and SEAs Glass Hat Catering Manor. AYE: Maples, Williams, Sadler, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

15. Consider approving plans and specifications for the Central Fire Station Vehicle Exhaust Ventilation System Project 98-3 and authorizing staff to advertise for bids. Exhibits: Location Map.

Shanklin asked if this would be done to the rest of the stations. Schumpert said yes, and it has been done to Stations 7 and 3. Williams said Equipment Maintenance will have one also. Shanklin asked if \$55,000 is the normal cost. Schumpert said it depends on the configuration of the vehicles within the fire station and that is the reason Centrals is more costly; Station 7 has two vehicles so it was less but Central has five vehicles so it will be more. Shanklin asked if funding is from the department and Schumpert said yes.

MOVED by Shanklin, SECOND by Warren, to approve Item 15. AYE: Williams, Sadler, Shanklin, Beller, Green, Warren,

Maples. NAY: None. MOTION CARRIED.

17. Consider approving the record plat for Sungate Addition, Part 9, and accepting improvements, maintenance bond, surety for incomplete minor improvements, and temporary easement outside the platted area. Exhibits: Plat Map; Draft LMAPC Minutes.

Green said the comments indicated the developer said the improvements would be made prior to the Council meeting and agreed if they were not, the item would be pulled. Schumpert said Keegan Ledford was the representative of the group and he met with him and others. He said initially 13 items came out of the LMAPC meeting, both minor and major, and their agreement was he would pull the item if the work was not done and that in that event, Mr. Ledford would agree not to comment before Council. Schumpert said all the items have been met.

MOVED by Green, SECOND by Williams, to approve the record plat for Sungate Addition, Part 9, and accept improvements, maintenance bond, surety for incomplete minor improvements, and temporary easement outside the platted area. AYE: Sadler, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

24. Consider approving the assignment of the pumper trucks contract. Exhibits: Vendors Letter.

Williams asked if the City was purchasing the vehicles from Precision Fire Apparatus and Schumpert said yes. Williams asked if this is typical or if this is a small company without a lot of capital. Schumpert said it was his understanding that it was not unusual. Williams said the vehicles will have warranties and that he hoped the company would be in business to carry those out.

MOVED by Williams, SECOND by Green, to approve assignment of pumper truck contract to Central Bank of Lake of the Ozarks and Precision Fire Apparatus, Inc., Camdenton, MO. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

25. Consider awarding a contract for vehicles. Exhibits: Vendors Mailing List; Bid Tabulation.

Williams said there are a lot of vehicles on this contract, and the addendum item is how to fund the additional costs for health care. He asked if it was possible to not purchase these vehicles at this point and use some of the funds to defray the insurance costs.

Schumpert said almost all of the vehicles have been purchased through the rolling stock funds. He said department directors justified these purchases before Council. Schumpert said some vehicles had been so old that parts were no longer manufactured for them. He said the health and dental plans should stand on their face, and the vehicles are needed. Williams said he agreed and did not want to do that, but the City will have a 25% increase, as will the employees, and that is just to get it back to the normal funding level without any more catastrophic claims. Williams said his point was perhaps maybe some vehicles could be budgeted in the next session, and not all of them needed to be delayed. Williams said the police vehicles should be purchased, but there are \$300,000 in other vehicles where the money could be used for health care. Cruz said if the funds for the vehicles are from a fund designated for rolling stock, those funds could not be used for any other purchase. Maples asked if these are to be funded from rolling stock. Schumpert said he could not answer definitely, and they are shown in a group and as a result, better prices were received. Williams said insurance rates were raised 10% a few months ago, and the proposal is to now raise it another 25%, and there are still some very sick people who will need care, and this is something to think about because the employees do not want to pay 25% more.

Shanklin asked if the proposal was to buy seven mid size sedans, seven full size police package sedans, and seven full size utility vehicles, or a total of seven. He asked how many total vehicles and if staff cannot answer whether they are from rolling stock, it should be tabled until the next meeting to get that answer, and if it is not from rolling stock, perhaps they should not be purchased.

MOVED by Shanklin, SECOND by Maples, to table the item. AYE: Shanklin, Green, Warren, Maples, Williams, Sadler. NAY: None. OUT: Beller. MOTION CARRIED.

27. Consider extending contract for outdoor tennis court paint. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation.

Green said she would like to have the location given on which tennis court would be painted.

MOVED by Green, SECOND by Williams, to extend the contract with BSN Sports to 2/28/99 at same terms and authorize execution.

Schumpert said it is a requirement type contract to buy the paint and it should be used for any, all or only two

courts, but for purposes of this item, it would be for all of them.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Shanklin. NAY: None. OUT: Beller. MOTION CARRIED.

30. Consider extending contract for tree transplanting. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation.

Green asked where the trees would be transplanted. Schumpert said it would cover all desired locations; it is for any transplanting of trees, but not a certain number to a certain location.

Shanklin said he requested it be pulled because there is a great amount of confusion about this. He said he would read from some minutes and parts of a letter; he said Mr. Huck stated to Council that what we do, we do on a one to one basis standing right there that those trees had to be put into either a recreation area or brought into town. He said we have sold 90 or 100 or 200 trees out there some where around the lake. Shanklin said a letter dated November 26 to Mr. Gleason says "all future tree transplanting services will follow your current contract that you have with the City of Lawton, therefore, the only trees that will be transplanted, moved from City properties, lakes or park land, will be relocated to other City lake or park sites." He asked where is the authority or why are we putting them all over the north end of Lawton or Comanche County. Shanklin said there is a letter on the 28th stating, "I advised Mr. Gleason that the City will no longer trade trees for transplanting service to plant trees on various City projects."

Shanklin said he read the contract, and the contract says for \$95 a tree, and there is nothing in there that says one for one or three for one. He said he was told they pulled a tree at 6:30 a.m. on Friday and that he called Mr. Huck on Monday morning, after he read the contract in the City Clerks Office, and told Mr. Huck that Mr. Gleason received payment of \$1,615 on July 11, so the City paid him on the \$95 per tree; Mr. Huck said none have been pulled since then. He said he asked how many trees were left, there were 60 trees and then some special trees, he said there are eight or nine and they have a red ribbon around them that are red oak.

Shanklin said he did not know how many contracts are out there that the Council does not know about. He suggested this be put on hold until the investigation is completed out there as to what we do because this individual evidently has been picking up all the trees that he wants and then comes and tells somebody, I owe you ten trees, for what, we do not know how many he pulled and where hes taken them, except we have one individual that bought 64 cedars and you show me where we have that authority to do that and when Mr. Huck even says right there it has to be transported from our city lakes to our property.

MOVED by Shanklin, SECOND by Green, to deny this until we have further information as to the lakes and lands.

Cruz asked if the motion was not to approve the extension and Shanklin said yes. Schumpert asked if it was to take no further action. Shanklin said no, until there is an explanation as to what is occurring out there. Cruz said if it is not extended, it expires and Shanklin said that is fine. Shanklin said what is happening out there is not consistent with what Council has been told and that he did not like to be told a lie and that he would take a lie detector on his if someone else will.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Shanklin, Beller. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider approving changes in rates for the city employee health and dental plans. Exhibits: Informational sheets.

Schumpert said last years budget included a 10% increase and the cost was implemented in the budget. He said there have been two months where billings from the claims administrator totaled far beyond the budgeted amounts; taking those two out, we are within the projected budget. Schumpert said we were dealing with this situation by loaning the money and getting it back, however, the latest large month shows this is not a prudent course of action and that some action needs to be taken. He said this action is to increase the rates by 25%. Schumpert said they found other cities pay higher rates, although the exact coverage terms are not known. He said the exact dollar amount of increase to an employee is an individual question, and Personnel Director figured his personal cost on the health side alone would be about \$16. He said the question becomes whether the coverage provided is worth an increase to the employees. Schumpert said the City would fund its additional cost by transferring funds from the Water Treatment Plant budget, professional services, Waurika project; \$150,000 from the carry over, and \$74,000 from electricity out of the Water Treatment Plant. He said this will solve the problem if the claims average no more than \$55,000 a week; the last week of claims was \$41,000 and if that trend continues, there may be extra money. Schumpert said there really will be no extra money because at one point in time there was a \$2 million surplus but it has been eaten up because the costs were not increased.

Schumpert said RFP will be advertised for both coverages and stop loss coverage and the cost to the City and the employee. He said the City currently pays 100% of the employee cost, and 50% of the dependent cost. Schumpert recommended taking the actions shown.

Warren asked when the last increase to the employee took place. Schumpert said July 1, 1997, and perhaps 1995 before that. Warren said no one wants to pay more but that his personal situation had increased about 18% from last year. Shanklin asked how much Warren pays and Warren said the dental and health both are about \$460 a month.

Mayor Marley asked if a rebate could be given in June if it is found that funds are available. Schumpert said an adjustment could be made when the RFPs come in and they would look at all the options.

Maples asked if the proposal was to not pay 100% of the employees health and dental, or just the dependent. Schumpert said the City's cost would increase 25%. Maples asked if an employee did not have dependent coverage if they would see a change. Schumpert said no, the salary change would be shown only for those with dependent coverage. Maples said a 35% in premiums in a six months time frame is too much, and said the employees may not know about this because the room would be full if they knew there would be a 35% increase in six months. Schumpert said the question is whether to continue the health and dental coverage we have at the present time. Maples said Williams identified areas that could be looked at to fund the problem.

Maples said there are two huge payments shown and there are a few employees who anticipate high medical costs. She asked if it was feasible to look for another type of coverage for those cases rather than having all employees pay for that. Schumpert said those instances are covered by stop loss. Williams asked what it was and Schumpert said \$300,000. Maples asked if that figure had been reached and Schumpert said in one employee's case.

Chuck Bridwell, Personnel Director, said there are two kinds of stop loss; one is based on a specific claim and the other is aggregate stop loss which covers the aggregate of the claims, such as 110% of expected claims. He said we only have specific stop loss for individual claims at the moment, and the two large amounts are for two huge individual claims.

Williams asked the possibility of seeing another huge individual claim before the end of the fiscal year. Bridwell said it was a fifty, fifty chance. Warren asked what a family of four would be paying with the increase. Bridwell said the plan insures a dependent unit, rather than individual members. Maples asked if another insurance company could be found to cover specific employees. Bridwell said one problem in buying premium based insurance is that you will pay for your claims, plus about a 10% profit and 5% tax to be passed on by the insurance company. Bridwell said you will not see the increased rate as quickly as with a self funded plan because they will delay the rate increase until the following year, but you will pay for the claims regardless of how you buy the coverage.

Shanklin asked when dental was added. Bridwell said he thought about the 1980s. Shanklin asked the cost for dental insurance and suggested employees be asked if they want to pay for that. Schumpert said the current rate for dental is \$30 per month and it is going to \$38. Shanklin asked if employees had to have that coverage and Schumpert said no, and they also do not have to have dependent coverage. Shanklin said another \$500,000 in next years budget would be another \$1.50 on the water bill unless other funding can be found. Williams said he hoped the RFP would show a more palatable cost from an outside provider. Schumpert said the RFP will address the issue of coverage, and the issue of funding, and a question will be whether the City has a responsibility for funding any of the dependent coverage because the City pays half of that. Schumpert said the level of stop loss will be examined.

Williams asked if the Health Committee had been brought in on this. Schumpert said it will go to their next meeting, but the situation is the current cost that must be paid. Williams asked if the item should be tabled to a special meeting to receive feed back from the committee. Schumpert said each employee would say they did not want an increase and wanted the City to pay it. Williams said the employees realize how much the cost of health care has increased.

Warren said one sheet shows monthly premium proposed new rate total for dependent coverage and dental of \$541.03, and asked if that was the amount coming out of the employees check. Schumpert said no, it would be about \$370 per month. Mayor Marley said that would be about a \$40 per month increase.

Sadler said the City pays for all of the insurance for the employee himself to include dental, but if the employee desires to have dependent coverage, regardless of the number of dependents, the cost is the same, and the City pays one-half of the dependent health and none of the dependent dental. Schumpert said that is correct.

Shanklin asked if the City could administer the program as opposed to contracting that out and paying that cost. Schumpert said it would take about three additional people and it would not be less; the company checks the bills and terms and so forth.

Warren asked if an employee with dependent care and dental would pay half of \$328.95, and the entire \$38.18, or \$202.68 out of pocket. Livingston said that is correct. Warren said that is not excessive. Livingston said the retirees pay all of the costs for the person and dependents.

MOVED by Beller, SECOND by Warren, to accept the recommendations of the staff and approve the rate increases for the health and dental plans and approve the funds designated by the City Manager from the funds identified.

Williams said this is a small solution to a big problem and we are always reacting to situations.

SUBSTITUTE MOTION by Maples, SECOND by Williams, to table this and give the City Manager direction to go out and find some more money, such as from the purchase of vehicles, or identify funds so we do not have to do such a huge rate increase at one time. AYE: Maples, Williams, Shanklin. NAY: Warren, Sadler, Beller, Green. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Sadler, Shanklin, Beller, Green, Warren. NAY: Maples, Williams. MOTION CARRIED.

#### BUSINESS ITEMS:

33. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a damage claim filed by Linda Tyer, by and through her attorney of record, Joe B. Reeves. Exhibits: None.

34. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a settlement offer received in the pending disputed claim of Larry Mahamed, FMCS #97-06761-7, and take appropriate action in open session. Exhibits: None.

Addendum Item 2: Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a lawsuit styled Clayton Green & Russell Green vs. City of Lawton, Case No. CJ-97-356, Comanche County District Court, and, in open session, appoint a person to represent the City at any settlement conference and in trial. Exhibits: None.

MOVED by Green, SECOND by Williams, to convene in executive session as recommended by the legal staff and shown on the agenda. AYE: Williams, Sadler, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:50 p.m. and reconvened in regular, open session at 9:35 p.m. with all members present upon roll call except Purcell.

Cruz reported the Mayor and Council met in executive session to consider the items listed on the agenda. He said on Item 33 relating to the claim of Linda Tyer, no action is needed.

Cruz said Item 34 relates to the Mahamed arbitration and he recommended adoption of a resolution authorizing settlement of this matter and execution of the settlement agreement.

MOVED by Shanklin, SECOND by Warren, to adopt the resolution and authorize execution of the settlement agreement. AYE: Shanklin, Beller, Green, Warren, Williams. NAY: Sadler. ABSTAIN: Maples. MOTION CARRIED. (Note: Maples initially voted no and changed her vote to abstain.)

(Title only) RESOLUTION NO. 98-16

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST LARRY MAHAMED IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000.00) AND APPROVING THE SETTLEMENT AGREEMENT.

Cruz said the Addendum item related to the Clayton and Russell Green suit, and that action was needed to appoint Councilmember Green to serve as the City's representative to the settlement conference.

MOVED by Warren, SECOND by Williams, to designate Carol Green as the City's representative in this matter. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY MANAGER/CITY COUNCIL.

Shanklin said the City is shutting down a water line west of Sheridan Road and suggested staff be directed to prepare paperwork to vacate the easement, instead of each home owner having to send letters to those within 300 feet and go through the process. Cruz will check on the City's ability to do so.

Green suggested when roll is called that when a member is absent, the reason be given publicly. Shanklin said it

can be done if the reason is known. Green said she had called in. Green said she is having a meeting in the Council Chambers for trailer review for the Lawton View area at 1:30 on Thursday to try to solve the problem of clearing out dilapidated units and stop them from coming in. Green said City vehicles should have the numbers in sequence, and that a truck passed her going very fast one day and that she could not determine which division it came from. Schumpert said staff can check the number and that the divisions have numbers that go in series, although some may have used all their numbers. Green said she was told differently.

Beller said the Airport Authority would meet February 10 at 9 a.m. with the consultant on the runways and ponding problems. He said he hoped to be able to report on costs and the project, and the use of the CIP funding provided previously. Beller said there was also concern about funding for the radars and that he hoped a solution could be found and that General Baxter was also working on that. Shanklin said he was interested in those costs and how the cost of funding of the gas tanks could be repaid.

Schumpert said an updated report on the 1995 CIP was distributed showing \$365,000 not appropriated through the end of the program. He reported on attendance at the City Managers conference by himself and the Assistant City Manager. Schumpert said the Olympic Spirit Challenge will take place this weekend in Lawton.

Shanklin said the CIP report shows \$3 million for detention and that it was not to be encumbered but only earmarked and that it could be changed. He requested copies of the minutes of that action be provided.

There was no further business to consider and the meeting adjourned at 9:50 p.m.